

IN THE CIRCUIT COURT OF WETZEL COUNTY, WEST VIRGINIA  
BUSINESS COURT DIVISION

MARKWEST LIBERTY MIDSTREAM  
& RESOURCES, L.L.C.,  
*Plaintiff,*

v.

CIVIL ACTION NO. 16-C-82  
JUDGE H. CHARLES CARL, III

J.F. ALLEN COMPANY;  
AMEC FOSTER WHEELER  
ENVIRONMENT & INFRASTRUCTURE, INC.; and  
REDSTONE INTERNATIONAL, INC.;  
*Defendants<sup>1</sup>,*

**BENCH TRIAL ORDER**  
**DAY SIXTEEN: OCTOBER 14, 2020**

1. On the 14th day of October, 2020, this matter came on before the Court for a bench trial. By prior agreement of the parties, the Court conducted the bench trial in Hampshire County, West Virginia. The Plaintiff was present by its counsel Kevin L. Colosimo, Joseph M. Ward, and Jonathan G. Brill, and its in-house counsel Jonathan Allen. Defendant J.F. Allen Company was present by its counsel Douglas C. LaSota and by its President, Greg Hadjis. Defendant Amec Foster Wheeler Environment & Infrastructure, Inc. was present by its counsel Vic L. McConnell and by its Lead Engineer Chris Ramsey. Defendant Redstone International, Inc. was present by its counsel Bruce E. Stanley and Michael A. Jacks, and by its President, Heath Kefover.

2. The Court inquired as to whether counsel had any objections to the Day Order from yesterday. Counsel had no objections and the Court then entered the Order.

3. Prior to starting testimony, Mr. McConnell marked Dr. Paul Sabatini's Slide Show presentation as **Amec Exhibit 280**, without objection.

<sup>1</sup> The remaining Defendants were dismissed, by agreement of the parties, prior to the bench trial.

4. Thereafter, Mr. McConnell called William Burton to the stand and he was duly sworn and subject to direct examination. Following qualification questions, the Court recognized Mr. Burton as an Expert in Construction Scheduling and Scheduling Impact Analysis, without objection.

5. Thereafter, Mr. Burton was subject to cross examination by Mr. Jacks and by Mr. LaSota.

6. Thereafter, Mr. Burton was subject to re-direct examination by Mr. McConnell.

7. Thereafter, Mr. Burton was subject to re-cross examination by Mr. Jacks.

8. Thereafter, Mr. Burton was dismissed as a witness and is not subject to recall.

9. Thereafter, the Court recessed for a brief break.

10. After the break, Mr. McConnell called Chris Ramsey to the stand and he was duly sworn and subject to direct examination. During testimony, Mr. Colosimo objected to the use of Mr. Ramsey's Slide Show and to Mr. Ramsey, as a non-expert, testifying in the narrative. The Court heard argument from Mr. Colosimo and Mr. McConnell, which is more fully set forth on the record. The Court ruled that it will allow use of the Slide Show for demonstrative purposes to aid with Mr. Ramsey's testimony. Further, the Court noted Mr. Colosimo's continuing objection.

11. During direct examination, the Court recessed for a lunch break.

12. Following the lunch break, the direct examination of Mr. Ramsey resumed.

13. After direct examination, Mr. McConnell moved for admission into evidence of **Amec Exhibit 269** (Amec Daily Reports) and Mr. Colosimo indicated he previously moved for admission of that exhibit and it was admitted.

14. Thereafter, Mr. Ramsey was subject to cross examination by Mr. LaSota.

15. Thereafter, the Court recessed for a brief break.
16. Thereafter, Mr. Ramsey was subject to cross examination by Mr. Stanley and by Mr. Colosimo.
17. Thereafter, Mr. Ramsey was subject to re-direct examination by Mr. McConnell.
18. Thereafter, Mr. Ramsey was subject to re-cross examination by Mr. Colosimo.
19. Thereafter, the Court recessed for a brief break.
20. Thereafter, Mr. Stanley re-called Charles E. Bolyard, Jr. to the stand and he testified via video.
21. Thereafter, Mr. Bolyard was subject to cross examination by Mr. Ward and by Mr. LaSota.
22. Thereafter, Mr. Bolyard was dismissed as a witness and is not subject to recall.
23. Thereafter, the Court and counsel discussed the remaining matters: motions and admission of exhibits will be presented and ruled upon tomorrow. Mr. Stanley, Mr. LaSota, and Mr. McConnell reserved 45 minutes each for closing arguments. Mr. Colosimo reserved an hour for closing argument and asked that each of the MarkWest attorneys be permitted to participate in closing arguments, to which opposing counsel had no objection.
24. At 5:40 p.m. the proceedings adjourned for the day. The Court and counsel agreed to start <sup>proceedings</sup> testimony at 8:30 a.m. tomorrow.

It is **ORDERED**:

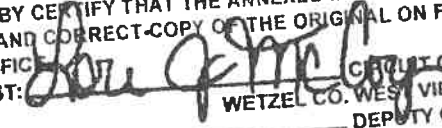
- ❖ The Circuit Clerk shall send this Order to all counsel of record.
- ❖ The Court notes the objections and exception of the parties to any adverse findings or rulings herein.

ENTERED this 15<sup>th</sup> day of October, 2020.



H. CHARLES CARL, III, JUDGE  
BUSINESS COURT DIVISION



I HEREBY CERTIFY THAT THE ANNEXED INSTRUMENT IS A  
TRUE AND CORRECT COPY OF THE ORIGINAL ON FILE IN  
MY OFFICE.  
ATTEST:  CIRCUIT CLERK  
WETZEL CO. WEST VIRGINIA  
BY: \_\_\_\_\_ DEPUTY CLERK